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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

KATHRYN BLISS,

Plaintiff,

VS.

HARINAM EXPRESS LLC., and  
PETER CORBETT,

Defendants.

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Case No.

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**FILED**

**FEBRUARY 13, 2008**

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

**08 C 923**

**JUDGE DOW**  
**MAGISTRATE JUDGE VALDEZ**

## NOTICE OF REMOVAL

Now comes the Defendants, HARINAM EXPRESS LLC and PETER CORBETT, by and through their attorneys, HAYNES, STUDNICKA, KAHAN, O'NEILL & MILLER, LLC, pursuant to 28 U.S.C. Section 1441, *et seq.*, and LR 81.2 hereby removes this action from the Circuit Court of Kane County to this Court and in support of its Notice of Removal, states as follows:

1. On December 19, 2007, Plaintiff filed her First Amended Complaint at Law in the Circuit Court of Kane County, Illinois, Docket No. 2007 LK 632. A copy of said Complaint is attached hereto as Exhibit "A."
2. Defendants PETER CORBETT and HARINAM EXPRESS LLC were served with Summons and a copy of said Complaint on January 19, 2008.
3. All Defendants join in this Notice of Removal.
4. The Plaintiff is a citizen of and domiciled within the State of Illinois. The Defendants verified through an investigator that Plaintiff is at the time of this Removal domiciled within the State of Illinois. See Affidavit of Investigator, Exhibit "B".

5. Defendant PETER CORBETT is a citizen of and domiciled within the State of North Carolina. See Affidavit of Peter Corbett, Exhibit "C."

6. Defendant HARINAM EXPRESS, LLC is a corporate citizen of Florida, is domiciled within the State of North Carolina, and has its principal place of business in the State of North Carolina.

7. All that is required for a removal is a "reasonable probability" that more than \$75,000.00 is in controversy. *Shaw v. Dow Brands*, 994 F.2d 364, 366 n2 (7th Cir. 1993). The nature of the claim alleged in the Complaint usually makes it simple for a Judge to determine whether it is more likely true than not that the amount in controversy exceeds the jurisdictional requirement. See, e.g., *McCoy v. General Motors Corp.*, 226 F.Supp.2d 939, 941-42 (N.D. IL 2002) (the amount in controversy is generally "obvious from a common-sense reading of the Complaint.")

8. Here, the Plaintiff alleges in p. 8 of her Complaint that as a result of the accident, she was "caused personal injury, pain and suffering, and disfigurement and has been unable to attend to her ordinary affairs and duties and has lost certain sums of money which she otherwise would have made and acquired and has become liable for certain sums of money for medical and hospital care and attention." See Exhibit "A."

9. Thus, though Plaintiff is not specific with regards to the damages claimed other than alleging that they are personal in nature and that her damages exceed \$50,000 against each Defendant, clearly Plaintiff has alleged she will suffer, pain, disability and permanent problems in the future along with the loss of future income. As a result, there is a reasonable probability that the amount in controversy as set forth by the Plaintiff's own pleadings and allegations in her Complaint exceeds \$75,000.00.

10. Plaintiff's counsel will be served with written notice of this Notice of Removal in accordance with the Federal Rules of Civil Procedure or, alternatively, through electronic filing by the Court. A true and accurate copy of this Notice of Removal will be filed with the Clerk of the Circuit Court of Kane County, advising the Circuit Court that the matter has been removed to Federal Court. A true and accurate copy of the Notice of Removal has been filed with the Clerk of the District Court for the United State District Court, Northern District of Illinois, Eastern Division.

11. Defendants have timely filed this Notice of Removal within thirty (30) days of the January 22, 2008 date of service upon Defendant, Peter Corbett.

WHEREFORE, Defendants, HARINAM EXPRESS LLC and PETER CORBETT, pursuant to 28 U.S.C. Sec. 1441, respectfully requests that this Honorable Court remove this action from the Circuit Court of Kane County to this Court for further proceedings, and further, for any additional relief that this Court deems just.

DEFENDANTS DEMAND TRIAL BY JURY.

Respectfully submitted,

HAYNES, STUDNICKA, KAHAN, O'NEILL & MILLER, LLC

/s/ Shimon B. Kahan

Shimon B. Kahan - ARDC No. 6207172

HAYNES, STUDNICKA, KAHAN, O'NEILL & MILLER, LLC

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